

WIND CAVE NATIONAL APRK
COMMERCIAL FILMING/PHOTOGRAPHY

GENERAL INFORMATION

"The service...shall promote and regulate the use of ... national parks ... [its] purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." (16 U.S.C. 1)

It is the policy of Wind Cave National Park to allow filming and photography when and where possible, while adhering to this mandate. Therefore primary consideration will be given to potential resource damage and to anticipated disruption of normal public use.

The following guidelines are established by the superintendent of Wind Cave National Park as they relate to filming and photographic activities within the park. These are pursuant to Public Law 106-206(P.L. 106-206). Codified at 16 U.S. C. 460/-6d and revision to 43 CFR part 5.

Generally, permits are not required for:

- Visitors using cameras and/or recording devices for their own personal use.
- Sound technicians, and film or video news crews at news events. (Refer to the superintendent's Guide to Public Affairs for more information regarding news media.)
- NPS filming or photography done pursuant to a cooperative agreement or contract.

A request for a filming or photography permit may be denied if:

- in the opinion of the superintendent or his/her designee, the filming activity requested represents a potential for harm or impact on the park's natural, cultural, wilderness or recreational resources, may create health or safety risks, or disrupt visitor use and enjoyment;
- it is determined that supervisory requirements for the proposed project will place unreasonable burdens on park staff, regardless of the applicant's willingness to pay supervisory costs;
- The permittee fails to obtain insurance/bonding, or to agree to pay assessed cost recovery; or location fees.
- the proposed filming or photography would conflict with the visitors' normal use of the park;
- The request includes entry into areas closed to the general visiting public, or which would allow activities not permitted to the average visitor.

Commercial Filming/Photography Permits :

Commercial filming is defined as digital or film recording of a visual image or sound recording by a person, business, or other entity for a market audience, such as for a documentary, television or feature film, advertisement, or similar project. Under P.L. 106-206 **all** commercial filming requires a permit and is subject to a location fee and cost recovery.

Commercial videographers, cinematographers or sound recording crews of up to two people with only minimal equipment (i.e. a camera and a tripod) working in areas open to the public are required to obtain a commercial filming permit and are subject to appropriate permit terms and conditions and cost recovery charges but are not subject to location fees.

The decision to require a permit for **still photography** activities in a park is based on the activity itself as opposed to the eventual use of the image. Generally, permits are not required for still photography activities unless:

- the activity takes place at location(s) where or when members of the public are generally not allowed; or
- the activity uses model(s), sets(s), or prop(s) that are not a part of the location's natural or cultural resources or administrative facilities; or
- The park would incur additional administrative costs to monitor the activity;

If none of these conditions exist a permit is not required.

PERMIT COSTS:

Permits are subject to three possible costs:

1. Permit Application Administrative Fee: \$50

2. Cost Recovery Fees: This is based on any additional time staff must monitor activity or to open or close gates, etc.

3. Location Fees: Required as stated above for all commercial photography.

Location Fee Schedule National Park Service AS OF FY 2012

| Motion Pictures/Videos | | Commercial Still Photography | |
|-------------------------------|-----------|-------------------------------------|-----------|
| 1 - 10 people | \$150/day | 1 - 10 people | \$50/day |
| 11 - 30 people | \$250/day | 11 - 30 people | \$150/day |
| 31 - 49 people | \$500/day | Over 30 people | \$250/day |
| Over 50 people | \$750/day | | |

To apply for a permit, complete the appropriate form and submit it to the Wind Cave National Park Permit Office allowing sufficient time for evaluation by the park staff before the start date for your activity in the park. Please remember to enclose your check or money order for \$ 50.00 to cover non-refundable application costs. Your request will be evaluated on the basis of the information in your application. Therefore you are encouraged to attach maps, diagrams, script pages or storyboards to assist the park staff in evaluating your request.

Most requests can be processed within four (4) working days. Requests which involve multiple locations, complex logistics or coordination with other visitor activities will require a min-

imum of 7 working days to process. Projects which require environmental or cultural resource evaluation must be submitted not less than sixty (60) days before the start of proposed activities.

All costs of evaluating the request may be billed to the applicant, whether a permit is issued or not. In compliance with the requirements of the Debt Collection Improvement Act of 1996, the applicant must submit their social security number or Federal tax ID number when filling out the application for permit.

Conference/Site Scouting - will be scheduled with the park's permit coordinator and the potential permittee after the application has been received and reviewed. A visit to all potential filming sites in the park will usually be made at this time. By the end of the meeting, the permit coordinator should have enough information to prepare the permit once the project has been approved. (Each park will determine whether scouting every site is realistic, and will determine if the pre-permit conference can be conducted via telephone or must be on site.) The completed permit will detail the activities and locations to be authorized. Any activities not specified in the permit will not be allowed. No activities on NPS property may begin until the permit has been approved by the park and agreed to by the permittee.

Costs and Fees - Costs incurred by NPS in conjunction with accommodating the permitted activity will be reimbursed by the permittee. Administrative costs, and estimated costs for activities on site will be calculated and must be paid when the permit is approved. If any additional costs are incurred, the permittee will be billed at the conclusion of the permit.

The applicant or permittee is required to notify the NPS of any delays or schedule changes at least 4 hours in advance, or as agreed to by the superintendent. Should the applicant or permittee fail to provide such advance notification, the applicant or permittee could be responsible for paying all costs incurred by the NPS anytime during the application, permitting, or operational process, including those due to cancellation, moving, or rescheduling of the project. Such payment will include but not be limited to a non-refundable charge for each staff person scheduled for the affected activity. Such charge will, at a minimum, be the equivalent of two hours overtime for each employee assigned. These costs may be recovered through the posting of a bond at the time of application, or through a bill for collection presented at any point after initial contact.

Any fees applicable will be determined on a case by case basis. The permittee will be advised of any such fees prior to receiving a permit.

Insurance and Bonding - General liability insurance must be carried by the permittee showing the U.S. Government, National Park Service, Wind Cave National Park address as additionally insured. Short-term policies must show coverage on "occurrence" basis. The minimum amount of commercial liability insurance is one million dollars. Additional amounts may be required for high-risk activities.

Certain activities may trigger the need for the permittee to post a refundable damage bond. The amount of the bond will be equivalent to the estimated cost to NPS for clean up, repair or rehabilitation of resources or facilities that could potentially be impacted by the permit activities. At the conclusion of the permit, the bond will be returned to the permittee after costs of clean up, repair or rehabilitation are deducted.

Sharing the Park - A filming or photography permit does not allow the permittee to restrict park visitors from any location; therefore sites which attract a large number of visitors should be avoided. Normal visitor use patterns will not be interrupted for longer than five minutes, (or whatever is appropriate) and only as specified in the approved permit. Film/photography permit activities may not occur simultaneously with other permitted activities or unduly conflict with scheduled public activities. Visitors will be allowed to watch filming.

For more complex permit operations, or for activities which require coordination with other visitor use, and for those which are perceived to have the potential to impact park resources without proper supervision and care, at least one employee of the Park Service will be assigned to the film/photography crew. The permittee will be responsible for reimbursing the park for NPS monitoring. These costs will be included in the estimate of site use charges. Any additional costs will be recovered at the conclusion of the permit.

Restrictions and Conditions - will be enumerated in the permit. The following activities are restricted and must be approved on a case by case basis: 1) use of children, 2) stunts, 3) amplified music or sound, 4) placing of large set dressings, 5) filming photography inside interiors of government administrative work areas, 6) film equipment or activities on roadways, 7) access to closed areas or access to areas during non-visitor use hours. The permit will specify the number of people and the exact types of equipment allowed. Activities not specified in the permit will not be allowed by the NPS monitor on duty.

Please note that the permit does not include authority to film or photograph individuals. Model releases are the responsibility of the permittee.

Closures - Permit activities may be restricted based on weather or seasonal conditions (fire danger, standing water after rain, nesting season, etc.). Additional closures, use limits and/or restricted activities are listed in the superintendent's Compendium.

Prohibited Activities - Activities having the potential to damage or significantly impact or alter park resources are prohibited. The following are also prohibited: 1) altering, damaging or removing vegetation, 2) vehicle use off established roads and parking areas, 3) use of insecticides(except personal insect spray), herbicides and pesticides, 4) loud noises (60 decibels or higher) between 10:00 p.m. and 6:00 a.m., 5) smoking in buildings, the cave, on boardwalks or in vegetated areas, 6) use of fragile vegetation areas, except on trails or already disturbed areas (as determined by NPS), 7) flying aircraft below FAA recommended minimum altitude (usually 2,000 feet) or landing of aircraft except at designated landing sites 7) writing on or discoloring any natural feature or structure.

Harassment of wildlife is prohibited by law. Filming of wildlife is permitted as long as there is NO disturbance, feeding, teasing, or manipulation of resident or free-roaming animals. Wildlife captured elsewhere may NOT be used in any in-park filming, whether trained or not.

Termination of Permit - All filming or photography permits issued by the National Park Service are "revocable" WITHOUT NOTICE if the terms of the permit are violated. Deliberate infractions of the terms of the filming permit or the deliberate making of false or misleading statements concerning intended actions in order to obtain a permit are causes for immediate termination of the permit and cause for possible prosecution. Permits will be revoked if damage to resources or facilities is threatened, or if there is a clear danger to public health or safety.

